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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,236	09/26/2006	Nigel Hamilton	084535-000000US	8168
20350 7590 10/04/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER PHAM, KHANH B				
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2166				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/597,236

**Applicant(s)**

HAMILTON, NIGEL

**Examiner**

Khanh B. Pham

**Art Unit**

2166

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-17,24,25,27-35,41,42 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-17,24,25,27-35,41,42 and 45-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 5-17, 24-25, 27-35, 41-42, 45-49** are rejected under 35 U.S.C. 102(b) as being anticipated by Biderman et al. (US 2001/0037325 A1), hereinafter "**Biderman**"

**As per claim 1**, Biderman teaches an automated method comprising:

- "providing a data storage system on a server storing a plurality of search trails" at [0041] and Figs. 3, 5;
- "each search trail including one or more parameters of sites accessed consecutively following return of results from a respective search query to a corresponding client" at Fig. 3;
- "the search trails resulting from search queries from a same user and other users" at [0068]-[0084]
- "receiving a search query from a client to a search engine" at [0063];

- “searching the data storage system to match the received search query to a search query corresponding to at least one search trail to identify at least one related search trail stored on the data storage system” at [0084];
- “presenting search results to the client based upon the at least one related search trail” at [0085].

**As per claim 2**, Biderman teaches the method of claim 1, which further includes: “detecting submission of the search query from the client to at least one search engine” at [0062]-[0063] and Fig. 6.

**As per claim 49**, Biderman teaches the method of claim 2, wherein “the step of detecting submission of a search query to at least one search engine includes detecting submission of a completed form object” at [0062]-[0063] and Fig. 6.

**As per claim 5**, Biderman teaches the method of claim 49, wherein “the step of detecting submission of a completed form object performed at the client and includes: locating form objects in a object model of content served to a client; and adding a routine to each form object to enable interception of the completed form object upon submission” at [0062]-[0063] and Fig. 6.

**As per claim 6**, Biderman teaches the method of claim 5, wherein "the step of locating all form objects in a document object model of content served to a client is carried out after the content has been served to the client" at [0062]-[0063] and Fig. 6.

**As per claim 7**, Biderman teaches the method of claim 6, wherein "the content is an HTML document, and all form objects in a document object model of the HTML document are located once a DocumentComplete event occurs" at [0062]-[0063] and Fig. 6.

**As per claim 8**, Biderman teaches the method of claim 7, wherein "the HTML document includes a GET or a POST form" at Fig. 6.

**As per claim 9**, Biderman teaches the method of claim 2, wherein "the step of detecting submission of a search query to at least one search engine is optionally selectable at the client" at [0088].

**As per claim 10**, Biderman teaches the method of claim 1, wherein "the step of providing a data storage system includes recording the network address of the consecutively accessed sites" at Fig. 3.

**As per claim 11**, Biderman teaches the method of claim 10, wherein "the step of providing a data storage system further includes recording one or more of a user

identifier, the network address of a referring site, the network address of the client and search term or terms entered by the user at the client" at [0068]-[0083 and Fig. 3.

**As per claim 12**, Biderman teaches the method of claim 10, wherein "the step of providing a data storage system further includes: transmitting the one or more parameters identified at the client to the data storage system of the server for recordal" at [0036].

**As per claim 13**, Biderman teaches the method of claim 12, further including: "initially recording the one or more parameter in a RAM table at the trail recorder server" at [0033] and Fig. 3.

**As per claim 14**, Biderman teaches the method of claim 13, and further comprising: "periodically saving RAM table data to disk-based tables at the trail recorder server" at [0036] and Fig. 2.

**As per claim 15**, Biderman teaches the method of claim 14, wherein "a first disk-based table stores data characterizing each search trail" at Fig. 2.

**As per claim 16**, Biderman teaches the method of claim 14, wherein "a second disk-based table stores data characterizing the consecutive sites accessed in each search trail" at [0083] and Fig. 2.

**As per claim 17**, Biderman teaches the method of claim 1, wherein “the number of consecutively accessed sites is limited to a predetermined maximum” at Fig. 3.

**As per claim 24**, Biderman teaches the method of claim 1, wherein “the step of searching the data storage system to match the received search query to a search query corresponding to at least one search trail includes: conducting a full text search on the data storage system for at least part of a search query corresponding to at least one of the plurality of search trails” at [0084]-[0087].

**As per claim 25**, Biderman teaches the method of claim 24, wherein “step of searching the data storage system to match the received search query to a search query corresponding to at least one search trail includes: limiting the search trail to search trails resulting search queries from a same user as the received search query” at [0084]-[0088].

**As per claim 27**, Biderman teaches the method of claim 2, wherein “the step of presenting search results to the client based upon the at least one related search trail includes presenting the related search trails at the client” at [0085]-[0087].

**As per claim 28**, Biderman teaches the method of claim 2, wherein “the step of presenting search results to the client based upon the at least one related search trail includes: ordering the related search results by one or more ranking criteria” at [0084].

**As per claim 29**, Biderman teaches the method of claim 28, wherein "the ranking criteria include any one or more of data, inverse document frequency match, target search engine, user identifier, or trail weight indicative of the cumulative frequency of user visits to steps in a related search trail" at [0084].

**As per claim 30**, Biderman teaches the method of claim 1, wherein the communication network is the Internet, an intranet, an extranet, or other network running client/server application" at [0033] and Fig. 5.

**As per claim 31**, Biderman teaches the method of claim 1, wherein "the search engine is maintained on the client" at Fig. 5.

**As per claim 32**, Biderman teaches a system for presenting search results to a client based upon a search query comprising:

- "a data storage system for storing a plurality of search trails, each search trail including one or more parameters of sites accessed consecutively following return of results from a respective search query to a corresponding client" at [0041] and Fig. 3;
- "the search trails resulting from search queries from a same user and other users" at [0041];



- "a server system programmed to provide a trail searcher for searching the data storage system to match the received search query to a search corresponding to at least one search trail to identify at least one related search trail stored on the server" at [0053]-[0057].

**As per claim 33**, Biderman3 teaches the system of claim 33, which includes at least one client including: a search query detector for detecting submission of a search query from the client to a search engine; and a search trail recorder for recording a search trail of one or more parameters of sites accessed consecutively following return of search query results to the client" at [0035]-[0038].

**As per claim 34**, Biderman teaches the system of claim 33, wherein the client computer is further programmed to provide an adapter manager for maintaining an adapter table of known search command formats for a plurality of search engines for identifying one or more search query parameters are entered by a user" at [0062]-[0063].

**As per claim 35**, Biderman teaches the system of claim 33, wherein "the search query detector is a toolbar, browser addon, or extension, deskbar, agent, proxy or like client side application" at [0035].

**As per claim 41**, Biderman teaches the method of claim 2, wherein "the step of detecting submission of the search query includes: determining if part of the form object

matches a known search command format of any of a plurality search engines, and maintaining an adapter table of known search command formats for a plurality of search engines for identifying one or more search query parameters are entered by a user" at [0062]-[0063].

**As per claim 42**, Biderman teaches the method of claim 41, wherein "the search command format includes the network address of a search engine program for executing the search query" at [0062]-[0063].

**As per claim 45**, Biderman teaches the method of claim 41, further including :  
"periodically validating the search command formats maintained in the adapter table" at [0062]-[0063].

**As per claim 46**, Biderman teaches the method of claim 41, further including  
"automatically identifying a search command format of a new search engine and update the adapter table" at [0062]-[0063].

**As per claim 47**, Biderman teaches the method of claim 41, further including  
"collecting search information identifying a search box page of a search engine and identifying the search command format from the search information" at [0062]-[0063] and Fig. 6.

**As per claim 48**, Biderman teaches the method of claim 47, wherein "the step of collecting search information includes collecting the HTML code of the search box and parsing the HTML code to identify the search command format" at [0062]-[0063] and Fig. 6.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-2, 5-17, 24-25, 27-35, 41-42, 45-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/  
Primary Examiner  
Art Unit 2166

September 28, 2010